

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Raphael Butler,

Petitioner,

v.

Case No. 2:08-cv-192

Edwin Voohries, Warden,

Judge Michael H. Watson

Respondent.

OPINION AND ORDER

On December 11, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that respondent's motion to dismiss be granted and that the instant habeas corpus petition pursuant to 28 U.S.C. §2254 be dismissed. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Respondent's motion to dismiss is **GRANTED** and this action is hereby **DISMISSED**.

IT IS SO ORDERED.



Michael H. Watson, Judge
United States District Court